



National Enforcement Trends (NETs)

EPA's Top Civil Enforcement Cases Based on Penalty Assessed

Through EOY FY 2009

(Inflation/Deflation Adjusted to FY 09 Dollars- Cases Sorted by Inflation Adjusted Amounts)

Rank	Enforcement Action Name	ICIS Enforcement Action Identifier	Primary Law	Federal Penalty Assessed (Nominal)	Federal Penalty Assessed (Prior Year Cases are Inflation Adjusted to FY 09 Dollars)	Case Conclusion/ Final Order Date	Final Order Type	Fiscal Year Case Concluded
1*	PALMETTO RECYCLING	04-2002-9068	CERCLA	\$92,345,000	\$105,365,645	3/16/2004	Consent Decree or Court Order Resolving a Civil Judicial Action	2004
2*	RUSSELL OIL COMPANY	06-2003-5317	RCRA	\$81,277,000	\$89,811,085	4/19/2005	Consent Decree or Court Order Resolving a Civil Judicial Action	2005
3	COLONIAL PIPELINE COMPANY, INC.	04-1997-0525	CWA	\$34,000,000	\$39,678,000	6/16/2003	Consent Decree or Court Order Resolving a Civil Judicial Action	2003
4*	UNITED ORGANICS CORP AND MALCOLM LIEBERMAN	04-2004-9042	RCRA	\$32,759,000	\$34,921,094	5/17/2006	Consent Decree or Court Order Resolving a Civil Judicial Action	2006
5	CATERPILLAR, INC.	HQ-1998-0303	CAA	\$25,000,000	\$32,300,000	7/1/1999	Consent Decree or Court Order Resolving a Civil Judicial Action	1999
	CUMMINS ENGINE CO., INC.	HQ-1998-0306	CAA	\$25,000,000	\$32,300,000	7/1/1999	Consent Decree or Court Order Resolving a Civil Judicial Action	1999
7	TEXAS EASTERN TRANSMISSION CORPORATION	HQ-1988-0041	TSCA	\$15,000,000	\$24,915,000	10/7/1989	Consent Decree or Court Order Resolving a Civil Judicial Action	1990
8	MASSEY ENERGY COMPANY, ET. AL	03-2005-0380, 04-2006-9037	CWA	\$20,000,000	\$19,940,000	4/9/2008	Consent Decree or Court Order Resolving a Civil Judicial Action	2008
9	KOCH INDUSTRIES, INC.	06-1995-0015	CWA	\$15,000,000	\$18,780,000	3/7/2000	Consent Decree or Court Order Resolving a Civil Judicial Action	2000
10	TANNERY, ROGER L.	06-1990-0042	CERCLA	\$12,475,000	\$18,587,750	11/6/1992	Consent Decree or Court Order Resolving a Civil Judicial Action	1993
11	SMITHFIELD FOODS, INC.	03-1996-0278	CWA	\$12,600,000	\$16,858,800	8/8/1997	Consent Decree or Court Order Resolving a Civil Judicial Action	1997
12	MACK TRUCKS, INC.	HQ-1998-0302	CAA	\$13,000,000	\$16,796,000	7/1/1999	Consent Decree or Court Order Resolving a Civil Judicial Action	1999
13	LOUISIANA-PACIFIC	10-1991-0206	CAA	\$11,100,000	\$16,539,000	9/30/1993	Action	1993



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14	DETROIT DIESEL CORP.	HQ-1998-0305	CAA	\$12,500,000	\$16,150,000	7/1/1999	Consent Decree or Court Order Resolving a Civil Judicial Action	1999
15	FMC CORPORATION	10-1996-0069	RCRA	\$11,864,800	\$15,329,322	7/13/1999	Consent Decree or Court Order Resolving a Civil Judicial Action	1999
16	I. JONES PARTNERSHIP, ET AL	05-1990-0055	CERCLA	\$9,663,884	\$15,278,601	8/26/1991	Consent Decree or Court Order Resolving a Civil Judicial Action	1991
17	GENERAL MOTORS CORPORATION	HQ-1996-0001	CAA	\$11,000,000	\$15,114,000	11/30/1995	Consent Decree or Court Order Resolving a Civil Judicial Action	1996
18	AMERICAN ELECTRIC POWER (AEP)	05-1999-0644	CAA	\$15,000,000	\$14,955,000	12/10/2007	Consent Decree or Court Order Resolving a Civil Judicial Action	2008
19	AMERICAN HONDA MOTOR, CO	HQ-1998-0104	CAA	\$10,100,000	\$13,291,600	9/22/1998	Consent Decree or Court Order Resolving a Civil Judicial Action	1998
20	MORTON INTERNATIONAL, INC.	04-1998-0459	RCRA	\$10,000,000	\$12,130,000	1/17/2001	Consent Decree or Court Order Resolving a Civil Judicial Action	2001
21	BP NORTH AMERICA**	06-2006-3402	CAA	\$12,000,000	\$12,000,000	9/18/2009	Consent Decree or Court Order Resolving a Civil Judicial Action	2009
22	BP EXPLORATION AND OIL CORP/ BP AMOCO (8 FACILITIES)	05-2000-0586	CAA	\$9,500,000	\$11,523,500	8/29/2001	Consent Decree or Court Order Resolving a Civil Judicial Action	2001
23	EAST KENTUCKY POWER COOPERATIVE	04-2006-9007	CAA	\$11,400,000	\$11,365,800	11/30/2007	Consent Decree or Court Order Resolving a Civil Judicial	2008
24	E.I. DUPONT DE NEMOURS AND COMPANY	HQ-2004-5108	TSCA	\$10,250,000	\$10,926,500	12/21/2005	Final Administrative Order	2006
25	ILLINOIS POWER COOPERATIVE	05-1999-0751	CAA	\$9,000,000	\$9,945,000	5/27/2005	Consent Decree or Court Order Resolving a Civil Judicial Action	2005

*Default judgment case. In such cases, where the defendant often has little or no assets, the penalty that was assessed by the court is not likely to be collected.

** In addition to this civil penalties, BP Products North America Inc. paid a \$50 million criminal fine (the largest ever assessed by the criminal program under the Clean Air Act) and will serve three years of probation after pleading guilty to a felony violation of the Clean Air Act.

Further information concerning these lists
can be found in the attached meta-data

National Enforcement Trends (NETs) Metadata

NETs Page J-1: EPA's Top Civil Enforcement Cases Based on Penalty Assessed	
Note 1	"Penalties assessed" is the penalty amount that the defendant or respondent in an EPA civil enforcement cases has been ordered to pay by a court or Administrative Law Judge, or the amount the defendant or respondent has legally agreed to pay in an enforceable settlement document.
Note 2	Prior FY dollar figures on this document are adjusted to reflect the current value in FY 2009 dollars based on the average fiscal year value of the U.S. Department of Labor Consumer Price Index for All Urban Consumers.
Note 3	Because large penalties from a small number of EPA enforcement case settlements make up a large percentage of the civil penalties obtained by EPA in most years, the cases on this list were responsible for contributing a substantial percentage of the total civil penalties reported during the year the Consent Decrees/final orders were issued.
Note 4	In FY 2004, a default judgment case against Palmetto Recycling with penalties of \$92.3 million accounted for 62% of the total value of civil penalties reported that FY. In FY 2005, a default judgment case against Russell Oil Co., with penalties of \$81.3 million accounted for 53% of the total value of civil penalties reported that FY. And in FY 2006, a court entered a default judgment in a RCRA case, against United Organics that required the defendant to pay a \$32 million penalty, which accounted for approximately 26% of the total value of civil penalties reported in that FY. A default judgment is a judgment entered against a defendant who has failed to plead or otherwise defend against the plaintiff's claim. (Source: Black's Law Dictionary 449, 8th ed. 2004). The United States has not been able to collect the associated penalty assessed in these three cases because the defendants did not have substantial assets.
Note 5	Cases that list more than one enforcement action identification number are multi-facility cases with violating facilities in more than one EPA Region. In such multi-facility, multi-region cases (national cases), each Region enters a record into the Integrated Compliance Information System (ICIS) representing its portion of the case.